

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LINDA CERDA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:21-cv-00574-SAB

ORDER GRANTING STIPULATED
MOTION FOR AWARD OF ATTORNEY
FEES

ORDER DENYING PLAINTIFF'S MOTION
FOR ATTORNEY FEES AS MOOT

(ECF Nos. 21, 22)

Linda Cerda ("Plaintiff") filed the complaint in this action on April 6, 2021. (ECF No. 1.) On June 15, 2022, pursuant to the parties' stipulation, the Court remanded the action for further proceedings and entered judgment in favor of Plaintiff. (ECF Nos. 18, 19, 20.)

On September 7, 2022, Plaintiff filed a motion for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) ("EAJA"), seeking \$6,033.87. (ECF No. 21.) The Court, cognizant that the parties typically file a stipulation for the award of such fees, anticipated a stipulation may be forthcoming. On September 21, 2022, a stipulation was filed agreeing to the award of attorney fees in the amount of \$5,732.18, pursuant to the EAJA, 28 U.S.C. § 2412(d). (ECF No. 22.) The award is without prejudice to the rights of counsel to seek attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA. (Id.) The Court presumes the stipulated agreement for the award of attorney fees under the EAJA moots the need

1 for the Court to consider the initially filed motion for EAJA fees, despite the difference in the
2 stipulated amount versus the initial motion. The stipulated filing makes no mention of the initial
3 motion, and Plaintiff may request reconsideration of this order if the stipulation was entered
4 incorrectly, or otherwise.

5 Accordingly, IT IS HEREBY ORDERED that, pursuant to the stipulation of the parties:

- 6 1. The stipulated motion filed September 21, 2022 (ECF No. 22) is GRANTED;
- 7 2. Plaintiff is awarded attorney fees under the EAJA in the amount of \$5,732.18; and
- 8 3. Plaintiff's motion filed on September 7, 2022 (ECF No. 21) is DENIED as moot.

9
10 IT IS SO ORDERED.

11 Dated: September 21, 2022


UNITED STATES MAGISTRATE JUDGE